Remarks

These Remarks are in reply to the outstanding Office Action in the above-identified patent application. Claims 1-14 and 180-181 are currently pending.

Claims 7-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-4 and 180-181 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 20080049819 (*Garlett, et al.*).

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Garlett, et al.* in view of U.S. Patent No. 6,631,486 (*Komatsu, et al.*) and further in view of U.S. Patent No. 7,092,637 (*Haruyama*).

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Garlett, et al.*

Filed concurrently herewith is a Declaration of Scott C. Best Pursuant to 37 C.F.R. §1.131 ("DECLARATION") "swearing behind" the *Garlett, et al.* reference. While the present claims are patentable over the *Garlett, et al.* reference, the DECLARATION is provided to expedite prosecution of the present application. Therefore, withdrawal of the Examiner's rejections based on *Garlett, et al.* is respectfully requested.

Based on the concurrently filed DECLARATION and these remarks, reconsideration of claims 1-14 and 180-181 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date:___December 1, 2008____   By:____/Kirk J. DeNiro/_____
                                           Kirk J. DeNiro
                                           Reg. No. 35,854

VIERRA MAGEN MARCUS & DENIRO LLP
575 Market Street, Suite 2500
San Francisco, California 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665